THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2006-0197, Todd M. Workman & a. v. The Grouse Point Club, the court on February 13, 2007, issued the following order:

The respondent, The Grouse Point Club (Grouse Point), appeals an order of the trial court issued in this quiet title action brought by the petitioners, Todd and Sylvie Workman. Grouse Point argues that the trial court erred in construing the deed and in ruling that Grouse Point could not present evidence of the grantor's intent. We affirm.

The proper interpretation of a deed is a question of law which we review de novo. Motion Motors v. Berwick, 150 N.H. 771, 775 (2004).

We have reviewed the lengthy order of the trial court and need not restate the principles of law contained therein. Having reviewed the deeds at issue in this case, we reach the same conclusion as did the trial court.

We have also reviewed Grouse Point's argument that the trial court erred in limiting its ability to present testimony of the grantor's intent. In the portion of its order addressing owner's association membership, the trial court found that no evidence other than speculation was presented that the grantor intended to limit the grantee's right of joinder to the first owner's association formed. Grouse Point argues that the evidence that the trial court excluded would have addressed this issue.

The record before us is limited and does not include any evidence that the respondent brought this alleged error to the trial court's attention. It is the burden of the appealing party to provide this court with a record sufficient to decide its issues on appeal and to demonstrate that it raised them before the trial court. See Bean v. Red Oak Prop. Mgmt., 151 N.H. 248, 250 (2004); see also Sup. Ct. R. 13; N.H. Dep't of Corrections v. Butland, 147 N.H. 676, 679 (2002) (appellant's claim that trial court erred in final order not preserved because appellant failed to raise issue in motion for reconsideration); State v. Blackmer, 149 N.H. 47, 48 (2003) (appellate review confined to those issues raised before trial court). We also note that to the extent that the challenged ruling was one excluding evidence, Grouse Point has failed to demonstrate that the substance of the excluded evidence was contemporaneously made known to the court by offer of proof. N.H. R. Ev. 103(b)(2), (c) (offer may be made in question and answer form).

Finally, even if we assume the issue was preserved, we note from the question objected to that the excluded testimony was unlikely to provide direct evidence of the parties' intent.

Accordingly, we find no error.

Affirmed.

DALIANIS, GALWAY and HICKS, JJ., concurred.

Eileen Fox,
Clerk